

REMARKS

Remaining in the case is Claim 26 as amended with dependent Claims 27, 28, 29 and 42; Claim 32 as amended with dependent Claims 35, 37 and 38; and Claim 43 as amended with dependent Claims 44, 45, 46, 48 and 49.

In addition, enclosed herewith is a new Terminal Disclaimer to obviate the double patenting rejection. The terminal disclaimer previously submitted has been revised to reflect the present extent of Applicant's ownership and interest in the patent.

In the Office Action Examiner Wilson rejected Claims 31, 34 and 47 under 35 USC 101 and 35 USC 112 on grounds that appear to be justified and accordingly, these claims have been canceled.

The following claims have been rejected under 35 USC 103(a):

1. Claims 26, 31, 32 and 34 have been rejected as being unpatentable over Malmin;
2. Claims 27, 28, 37 and 38 have been rejected as being unpatentable over Malmin in further view of McSpadden;
3. Claims 29, 35 and 42 have been rejected as being unpatentable over Malmin in further view of Corvatto;
4. Claims 32 and 34 have been rejected as being unpatentable over Malmin in view of Hatter et al;
5. Claims 32 and 35 have been rejected as being unpatentable over Malmin in view of Levy et al;
6. Claims 43, 47 and 49 have been rejected as being unpatentable over Malmin alone;

7. Claims 44 and 45 have been rejected as being unpatentable over Malmin in view of McSpadden; and
8. Claims 46 and 48 have been rejected as being unpatentable over Malmin in view of Corvatto.

It is Examiner Wilson's position that the term "beam" as used in parent claims 26 and 32, and inferentially in claim 43, the three independent claims in the case, has not been limited to beam energy traveling through air or space only and therefore the above prior art is held to meet the claim language. To overcome this rejection, the independent claims 26, 32 and 43 have been amended in a way to make them allowable.

In method Claim 26 the step of applying a beam of energy has been amended to read "applying a beam in the form of a stream of energy traveling through air" to clearly define over transmitting of energy through physical apparatus.

System Claim 32 has been amended by including, as an element thereof, "a source providing a beam in the form of a stream of energy traveling through air that is applied to said shaft ...".

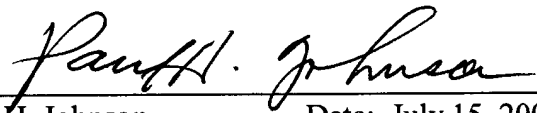
In like manner, system Claim 43 has been amended to provide "an energy beam generator positioned adjacent said shaft distal portion whereby said shaft may be heated by a beam in the form of a stream of energy traveling through air to reduce surface tension ...".

Thus all of the claims now clearly define a method or system in which a beam in the form of a stream of energy travels through the air. This clearly distinguishes over the prior art cited by Examiner Wilson. None of the prior art cited teaches the concept of heating an elongated structural shaft to decrease the surface tension of filler material employing a beam of energy traveling through the air. Specifically, neither of the patents to Malmin, McSpadden, Corvatto,

Hatter et al. or Levy et al., taken by itself or in combinations with Malmin show the concept of applying a beam in the form of a stream of energy traveling through air to a shaft having filler material thereon to decrease the surface tension of the filler material. Accordingly, it is believed that the claims as amended are clearly allowable over the prior art.

Should any other amendments be necessary to place the application in condition for a Notice of Allowance, Examiner Wilson is invited to call the undersigned at the below noted telephone number.

Respectfully submitted,



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